

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HOWARD CASEY	:	CIVIL ACTION
	:	
v.	:	
	:	
THOMAS LAVAN, <u>et. al.</u>	:	No. 02-2830

O R D E R

AND NOW, this \_\_\_\_\_ day of December, 2003, upon consideration of Petitioner Howard Casey's Request for an Enlargement of Time to File an Appeal (Docket No. 19), IT IS HEREBY ORDERED that Petitioner's Motion is **DENIED AS MOOT**.<sup>1</sup>

BY THE COURT:

\_\_\_\_\_  
HERBERT J. HUTTON, S.J.

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<sup>1</sup> In the Order dated April 22, 2002 (Docket No. 15), the Court approved and adopted Magistrate Judge Arnold C. Rapoport's Report and Recommendation denying Petitioner a writ of habeas corpus. Also in that Order, the Court concluded that there was no probable cause to issue a certificate of appealability.

Notwithstanding this Court's Order, a review of the docket reveals that Petitioner filed a Notice of Appeal in the United States Court of Appeals for the Third Circuit. On October 31, 2003, the Third Circuit also denied Petitioner's request for a certificate of appealability (Docket No. 18), stating that "no jurists of reason would debate whether appellant's section 2254 petition should have been resolved in a different manner or whether the issues presented are adequate to deserve encouragement to proceed further."

Accordingly, Petitioner's present motion is denied.